

REMARKS

This Preliminary Amendment is submitted in the above-identified continuation application being filed herewith. Pursuant to this Preliminary Amendment, Claims 1-41 have been cancelled and newly submitted Claims 42-55 added. Applicants note for the record that Claims 42-53 were pending on appeal in U.S. Patent Application Serial No. 09/711,240 (hereinafter the "240 application"), the parent of this patent application, as Claims 30-41 in that application.

Applicants also note for the record that the Board of Patent Appeals and Interferences affirmed the final rejection of Claims 30-41 of the '240 application. The Applicants respectfully submit that the final rejection of these claims was not appropriate. In affirming the final rejection, the Board's decision appears to have been predicated on an alleged lack of a "sufficient nexus" between the secondary considerations evincing non-obviousness and features of the claimed inventions. Although the evidence previously submitted is believed to have established this nexus, the Applicants intend to submit in this application further evidence establishing the connection between the claimed features and the secondary considerations. Therefore, Applicants note for the record, as well as for purposes of the public notice function, that they do not agree that the Board's decision is appropriate, but, in the spirit of cooperation, they will submit additional evidence to address the concerns of the Board, which hopefully will result in an allowance of all the pending claims.

Claims 54 and 55, which were not previously presented in the '240 application, are believed to also include additional features having a nexus to the secondary considerations.

This Preliminary Amendment does not add new matter.

Respectfully submitted,
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